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UNITED STATES ENVIRONMENTAL

PROTECTION AGENCY

Region 5

77 West Jackson Boulevard

Chicago, Illinois 60605-3507

Re: **Skinner Landfill - Settlement Under the Municipal Solid Waste Settlement Policy**

Dear Ms. Estes:

Please find enclosed the settlement proposals under the EPA's "Policy for Municipality and Municipal Solid Waste CERCLA Settlement at NPL Co-disposal sites" for the following municipalities.

1. City of Madeira;
2. City of Mason;
3. City of Deer Park;
4. City of Blue Ash;
5. Village of Lincoln Heights; and
6. City of Sharonville.

Each package contains the documents we had discussed to enable you to evaluate whether each municipality qualifies under the Municipal Solid Waste Settlement Policy.

Should you have any questions regarding any of the enclosed, please do not hesitate to contact me or the attorney who is representing each municipality.

Sincerely,

C.J. Schmidt
C.J. Schmidt /jmr

LMR:CJS/blp

Enclosures

cc: Jeff Goldenberg
Matthew W. Fellerhoff, Esq.
Thomas T. Keating, Esq.

HALMR\LTRS\ESTES.LET

City of Deer Park - By letter dated February 10, 1999, Deer Park responded to the Special Notice Letter. Deer Park submitted an excerpt from the Allocator's Preliminary Report discussing Deer Park's use of the Site, Deer Park's Position Paper, and its Response to the ADR Questionnaire. The Allocator found Deer Park's total waste-in was 4,157 cys, and Deer Park calculated its total liability at the Site as \$1,802.

The Skinner log indicates that Deer Park paid \$342 for disposal at the Site on 14 different dates between December 2, 1957 and August 8, 1960. The Skinner Log does not indicate the amount of waste Deer Park disposed of at the Site. Deer Park states that from June 1957 until August 1960 it brought MSW to the Landfill on an "emergency basis" only. Deer Park also admits that for five-weeks (June-July 1957) it used the Site as its primary disposal facility. At all other times Deer Park states that it took MSW to other locations.

Deer Park reported that it was unable to provide any information on the chemical constituents of its waste. Deer Park interviewed J. Henry Camp, the former Service Director, and David O'Leary, the current Safety Service Director, and believes that there were no commercial establishments occupying over 20,000 square feet or industrial establishments within the city. Deer Park states that from 1930 to 1984 it hauled its own waste. From 1977 to 1984 the City hauled its own waste to Clarke Incinerator, Inc. From 1985 until the early 1990s Deer Park contracted with Rumpke Waste, Inc. for collection and disposal service. Deer Park's contract required Rumpke to use the Rumpke landfill as the primary disposal facility.

Deer Park submitted two City Council meeting minutes from 1957 which reference dumping at Westchester, Ohio. The City Council minutes do not reference the particular location in Westchester, but do state that the waste was brought to Westchester after Deer Park's primary disposal site was closed. Deer Park used a 13 cy packer truck (3.9 tons per load) and a 7 cy open bed dump truck (.35 tons per load). The Allocator accepted the City's estimate of 18 loads per week, split evenly between the packer and the open bed dump truck. The City's estimate of 18 loads per week was based upon a contract it had with another landfill for an average of 20-22 loads per week.

The Allocator concluded that during the five week period in 1957 when Deer Park used the Site as its primary disposal facility, the City brought 900 cys to the Landfill, plus another 1,603 cys for the period 1957 through 1960, for a total of 2,503 cys. Because a portion of the waste hauled to the Site was compacted, the Allocator "uncompacted" the waste. In uncompacting the packer waste, the Allocator used a 2:1 ratio, unlike the MSW Policy which multiplies the waste by 600 pounds to reach a waste-in weight. The Allocator found that 13/20 of the 1,603 cys (or 1,042 cys) was compacted, and that 7/20 of the 1,603 (or 561 cys) was uncompacted. Following the MSW Policy, the 1,042 cys of compacted waste is converted to weight by multiplying by 600 lbs., resulting in a waste-in weight of 625,200 lbs. The 561

uncompacted cys. is converted to weight by multiplying by 100 lbs., resulting in a waste-in weight of 56,100 lbs. Of the 900 cys. from when Deer Park used the landfill as its primary disposal site, 585 are compacted and 315 are uncompacted. The 585 compacted cys. are multiplied by 600 lbs. for a waste-in weight of 351,000 lbs., and the 315 uncompacted cys. are multiplied by 100 lbs. for a waste-in weight of 31,500 lbs. This results in a subtotal waste-in weight of 1,063,800 lbs.

Finally, the Allocator considered testimony, especially that of Rodney Miller, discussing Deer Park's use of the Site, and added 27 uncompacted cys for a waste-in weight of 2,700 lbs. Accepting the Allocator's findings, we add 2,700 lbs and 1,063,800 lbs for a total weight of 1,066,500 lbs., or 533.25 tons.

There is no indication in the information submitted by Deer Park, including the Allocator's Report, that Deer Park disposed of anything other than MSW at the Site. Based upon a review of the evidence linking Deer Park to the Site, Deer Park is eligible for a settlement resolving its liability at the Site pursuant to the MSW Policy. For purposes of calculating the City of Deer Park's total liability at the Site, EPA accepts the Allocator's findings and calculates a total weight of 533.25 tons. The calculation to determine Deer Park's total liability for purposes of settlement is presented below.

Settlement Calculation for the City of Deer Park

1,066,500 lbs./2000 lbs. = 533.25 tons

533.25 tons x \$5.30 = \$2,826.22

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Date: December 2, 1999

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Subject: Skinner Landfill: Revised Findings for Deer Park

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